

S. A. ROMINE

APRIL 23, 1958.—Committed to the Committee of the Whole House and ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H. R. 8833]

The Committee on the Judiciary, to whom was referred the bill (H. R. 8833) for the relief of S. A. Romine, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to waive sections 15 to 20 of the Federal Employees' Compensation Act so as to permit S. A. Romine of Charleston, W. Va., to file his claim for compensation benefits based on an eye injury on October 15, 1937, while he was employed as a clerk in the post office at Charleston, W. Va.

STATEMENT

Samuel A. Romine held the position of postal clerk in the Charleston, W. Va., post office from November 23, 1927, until May 1, 1955, when he transferred to the vehicle service. On November 1, 1934, he was assigned to the work of distributing and loading city parcel post in that post office. He worked at that assignment until October 15, 1937, when the eye injury occurred.

Part of the work involved in the distribution of parcel post required that Mr. Romine throw parcels in the various sacks, and through the years he had developed a high degree of accuracy in this type of sorting. On October 15, 1937, he found upon commencing work on that day that he had lost some of his ability to direct the parcels accurately. He realized that there was something wrong with his eyes and he consulted Dr. V. T. Churchman who was an eye specialist. Dr. Churchman found that the retina had become detached in Mr. Romine's right eye. Mr. Romine entered a hospital for treatment and

laboratory tests. Since these tests failed to show any bodily deficiency which would account for the detachment, Dr. Churchman questioned Mr. Romine as to the nature of his work, and apparently concluded that the nature of Mr. Romine's work was such that the physical exertion involved accounted for the eye difficulty. Mr. Romine had been required to pick the parcels from the floor, and in this handling and sorting he was constantly required to stoop and lift. He was also required to push trucks up an incline which required considerable physical effort. The information supplied to the committee indicates that the postmaster was advised of these facts by letter from the doctor. Dr. Churchman also stated that Mr. Romine should be assigned to work of a less strenuous nature, and Mr. Romine was reassigned to lighter work.

The information supplied to the committee establishes that Mr. Romine failed to make his application for compensation within the time limited in the statute because statements made by the postmaster led him to believe that he would not be able to prove that his injury resulted from his work. Mr. Romine stated that sometime after the events outlined above, the postmaster came to him and told him that he would not be able to secure compensation because he would not be able to prove that the injury was caused by his work. Mr. Romine relied on this statement although the postmaster did not say whether it was his own personal opinion or that of someone in the Post Office Department. This committee feels that the facts before it indicate that Mr. Romine was unfamiliar with the procedure concerning applications for compensation, and that he felt that the postmaster had handled the matter correctly. It was not until much later that he found that he should have made a formal application under the law. Under these circumstances the committee feels that Mr. Romine should be granted the opportunity of presenting his claim, and therefore recommends that this bill be considered favorably.

POST OFFICE DEPARTMENT,
BUREAU OF THE GENERAL COUNSEL,
Washington, D. C., November 20, 1957.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to the request for a report on H. R. 8833, a bill for the relief of S. A. Romine.

The purpose of this measure is to waive the time limitations and other formal requirements of sections 15 through 20 of the Federal Employees' Compensation Act (5 U. S. C. 765-770) so as to permit the Bureau of Employees' Compensation of the Department of Labor to consider a claim by S. A. Romine, Charleston, W. Va., for compensation benefits on account of an eye injury alleged to have been sustained by him on October 15, 1937, while employed as a clerk at the post office in Charleston, W. Va. The bill also provides that such a claim would be acted upon under the remaining provisions of the Federal Employees' Compensation Act, if Mr. Romine files the claim within the 6-month period beginning on date of enactment of subject bill.

A careful review of the files of this Department fails to disclose any information which indicates that the disability alleged in this bill was due to, or caused by an injury during the performance of Mr. Romine's duty at the Charleston, W. Va., post office in 1937.

In view of the foregoing, the Department has no recommendations as to the merits of H. R. 8833.

The Bureau of the Budget has advised that there would be no objection to the submission of this report to the committee.

Sincerely yours,

HERBERT B. WARBURTON,
Acting General Counsel.

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